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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,509	05/23/2001	Manny Powers	01-393	9889

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32nd Floor  
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EXAMINER
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WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/863,509

**Applicant(s)**

POWERS, MANNY

**Examiner**

Michael Y Won

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 9-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-2, 9-10, and 14-17 have been amended and claims 18-19 have been added.
2. Claims 1-5 and 9-19 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1-3 and 14-17 rejected under 35 U.S.C. 102(e) as being anticipated by Lewis et al (US 6,131,112 A).

**INDEPENDENT:**

As per claims 1, 14, and 17, Lewis teaches of a method, a system comprising means, and a computer readable medium having stored therein instructions for processing commands comprising: receiving and storing in a memory (see col.13, lines 24-37) a first command line interface server (see Fig.5, #42), the first command line interface server processing commands addressed to boards of a first board type (see col.8, lines 54-65) programmed with a first version of software (inherent: see col.8, line 58: "associated platform"); receiving and storing in memory (see col.13, lines 24-37) a second command line interface server (see Fig.5, #52), the second command line interface server processing commands addressed to boards of the first board type (see col.8, lines 54-65) programmed with the second version software (inherent: see col.8, line 58: "associated platform"); and processing a first command using the first command line interface server (see col.13, line 66 to col.14, line 3) and a second command using the second command line interface server (see col.13, line 66 to col.14, line 3), the first command addressed to boards of the first type programmed with the first version software (see col.8, lines 54-65), and the second command addressed to boards of the first board type programmed with the second version of software (see col.8, lines 54-65), wherein (i) processing the first command includes routing the first command to boards of the first board type programmed with the first version of software (see col.8, lines 56-59), (ii) processing the second command includes routing the second command

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to boards of the first board type programmed with the second version of software (see col.13, lines 55-65), and (iii) the memory concurrently stores the first command line interface server and the second command line interface server (see col.9, lines 7-10 and col.13, lines 33-37: Lewis teaches of a single general purpose computer providing commands to both NMP and SMP).

As per claim 16, Lewis teaches of a computer program for processing commands comprising: first code for receiving and storing in a memory (see col.13, lines 24-37) a first command line interface server (see Fig.5, #42), the first command line interface server processing commands addressed to boards of a first board type (see col.8, lines 54-65) programmed with a first version of software (inherent: see col.8, line 58: "associated platform"); second code for receiving and storing in memory (see col.13, lines 24-37) a second command line interface server (see Fig.5, #52), the second command line interface server processing commands addressed to boards of the first board type (see col.8, lines 54-65) programmed with the second version software (inherent: see col.8, line 58: "associated platform"), wherein the memory concurrently stores the first command line interface server and the second command line interface server (see col.9, lines 7-10 and col.13, lines 33-37: Lewis teaches of a single general purpose computer providing commands to both NMP and SMP); third code for routing (inherent: see col.4, lines 52-55) a first command, received at a master session process (see col.9, lines 7-10), to the first command line interface server, and for routing (inherent: see col.4, lines 52-55) a second command, received at a master session process (see col.9, lines 7-10), to the second command line interface server, the first

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command being addressed to boards of the first type programmed with the first version software (see col.8, lines 54-65), and the second command being addressed to boards of the first board type programmed with the second version of software (see col.8, lines 54-65); and fourth code for processing the first command using the first command line interface server (see col.13, line 66 to col.14, line 3) and the second command using the second command line interface server (see col.13, line 66 to col.14, line 3), wherein (i) processing the first command includes routing the first command to boards of the first board type programmed with the first version of software (see col.8, lines 56-59), and (ii) processing the second command includes routing the second command to boards of the first board type programmed with the second version of software (see col.13, lines 55-65).

**DEPENDENT:**

As per claims 2 and 15, Lewis teaches of further comprising routing a single command to multiple boards using the first command line interface (see col.9, lines 31-50).

As per claim 3, Lewis further teaches wherein the first and second commands are CLI commands (see col.8, lines 56-59).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (US 6,131,112 A) in view of Heck (US 6,317,743 A).

As per claim 4, Lewis does not explicitly teach of further comprising converting the first and second commands from a first protocol to a second protocol. Heck teaches of converting commands from a first protocol to a second protocol (see col.5, lines 15-34 and col.8, lines 64-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Heck within the system of Lewis by implementing a compiler to convert commands from a first protocol to a second protocol within the command processing method and system manager because Lewis teaches that the network management platform allows for collective management of autonomous local area networks (LANs), with equipment from different vendors" and complies with SNMP standards, "and can also accommodate other standard and proprietary protocols" (see col.5, lines 46-51) Therefore, such an implementation would enable the different proprietary protocols to communicate with each other.

As per claim 5, Lewis further teaches wherein the first protocol is CLI and the second protocol is SNMP (see col.5, lines 48-50).

5. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (US 6,131,112 A) in view of Scholl et al. (US 5,742,762 A).

**INDEPENDENT:**

As per claim 9, Lewis teaches of a system manager comprising: a memory (see col.13, lines 24-37), the memory for storing a first command line interface server (see Fig.5, #42), the first command line interface server processing commands addressed to boards of a first board type (see col.8, lines 54-65) programmed with a first version of software (inherent: see col.8, line 58: "associated platform"), the memory (see col.13, lines 24-37) also receiving and storing a second command line interface server (see Fig.5, #52), the second command line interface server processing commands addressed to boards of the first board type (see col.8, lines 54-65) programmed with the second version software (inherent: see col.8, line 58: "associated platform"), wherein the memory concurrently stores the first command line interface server and the second command line interface server (see col.13, lines 33-37: Lewis teaches of a single general purpose computer providing commands to both NMP and SMP); a processor coupled to the memory for directing a first command to the first command line interface server (see col.13, line 66 to col.14, line 3) and for directing a second command to the second command line interface server (see col.13, line 66 to col.14, line 3), the first command addressed to boards of the first type programmed with the first version software (see col.8, lines 54-65), and the second command addressed to boards of the



first board type programmed with the second version of software (see col.8, lines 54-65); and (i) receiving the first command from the first command line interface server and routing the first command to one or more boards of the first board type programmed with the first version of software (see col.8, lines 56-59), and (ii) receiving the second command from the second command line interface and routing the second command to one or more boards of the first board type programmed with the second version of software (see col.13, lines 55-65).

Lewis does not explicitly teach of a proxy agent. Scholl teaches of a proxy agent (see Fig.4, #15 & #19 and col.7, lines 10-15). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Scholl within the system of Lewis by implementing a proxy agent for receiving and routing commands to appropriate destinations within the manager system because Scholl teaches by implementing a proxy agent which include "network specific protocols", the requests can be appropriately directed to "each managed network" (see col.7, lines 5-9) and since Lewis teaches of two management platforms with two different protocols, one of ordinary skill in the art would employ the teachings of Scholl.

**DEPENDENT:**

As per claim 10, Lewis further teaches wherein the processor receives commands addressed to the multiple boards and routes commands to the multiple destinations (see col.9, lines 4-10 & 31-50).

As per claim 11, Lewis further teaches wherein the first and second commands are CLI commands (see col.8, lines 56-59).

As per claim 12, Lewis does not explicitly teach of further comprising converting the first and second commands from a first protocol to a second protocol. Scholl teaches of converting commands from a first protocol to a second protocol (see col.2, line 61 to col.3, line 6). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Scholl within the system of Lewis by implementing converting commands from a first protocol to a second protocol within a system manager because Lewis teaches of a gateway (see col.9, lines 7-10) and Scholl teaches that “gateways are employed for two software applications to communicate with each other” and “communications between two networks that use different protocols” (see col.2, lines 59-65). Therefore, one of ordinary skill in the art would concur that the gateway of Lewis teaches this limitation.

As per claim 13, Lewis further teaches wherein the first protocol is CLI and the second protocol is SNMP (see col.5, lines 48-50).

As per claim 19, Lewis further teaches wherein the processor is arranged to include a command line interface server master session (implicit: see col.9, lines 7-10) wherein the command line interface server master session receives the first command and the second command from a client device (see col.8, lines 62-65), and wherein the command line interface master session directs (i) the first command to the first command line interface server, and (ii) the second command to the second command line interface server (see claim 16 rejection above).

***Allowable Subject Matter***

6. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art of record Lewis et al. (US 6,131,112 A), Heck (US 6,317,743 A), and Scholl et al. (US 5,742,762 A), do not explicitly disclose, teach, or suggest the method of claim 1, further comprising receiving, at the first command line interface server, a response from each of the boards of the first type having the first software version, and responsively forwarding each response to a master command line interface server, wherein the master command line interface server responsively sends a user response.

***Response to Arguments***

7. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. By merely stating that the reference does not teach and then reiterating the claim language is a general allegation and an improper response. However since the arguments are general, the response to the arguments by means of this office action and the rejections set forth above is sufficient.

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8. A *server* to one of ordinary skill in the art is either a *program* or a *device* that provides some other service to another program or another device, respectively.

Therefore, since the language of claim 1 recites “receiving and storing in memory a first command line interface server” and one of ordinary skill in the art would agree it is impossible to store a device in memory, it is **noted** that the server as stated in the claims are intended to mean a *server program*.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

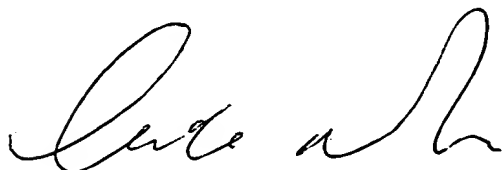
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



March 3, 2005

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**